



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

MARCH 28, 2006

PRESENT: Acevedo, Koepp-Baker, Benich, Davenport, Escobar, Lyle, Mueller

ABSENT: None

LATE: None

STAFF: Community Development Director (CDD) Molloy Previsich, Planning Manager (PM) Rowe, Contract planner (CP) Bischoff, Deputy Director of Public Works (DDPW) Bjarke, Senior Civil Engineer (SCE) Creer, and Minutes Clerk Johnson

Chair Lyle called the meeting to order at 7:01 p.m., as he led the flag salute.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

With no members of the audience indicating a wish to address matters not on the agenda, the time for public comment was closed.

MINUTES:

DECEMBER 13,
2005

THE DECEMBER 13, 2005 MINUTES WILL BE CONSIDERED AT A FUTURE TIME.

MARCH 14,
2006

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE MARCH 14, 2006 MINUTES WITH THE FOLLOWING CORRECTIONS:

Page 7, paragraph 7, line 7 - ... was ~~I~~ not; line 9 - ... get ~~and~~ **any** allocations; line 10 - ... must ~~complete~~ **compete** as others

Page 9, paragraph 6: (add) ***Chair Lyle pointed out that since this is new Open Space, it would require a new RDCS initiative before it would be protected by initiative.***

Page 11, paragraph 2 line 7: consider it to be a ~~contact~~ **contract**

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Page 11, paragraph 3, 1st bullet: (clarification) *the 10% was recommended by the ULL Task Force; City Ordinance does not regulate on slopes of less than 10%; the Ordinance regulates development on slopes between 10-20% and prohibits development on slopes of 20% or more.*

Page 12, paragraph 2, line 2: which ~~result in~~ *encourage* accessory units

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, LYLE, MUELLER; NOES: NONE; ABSTAIN: ESCOBAR; ABSENT: NONE.

**PUBLIC
HEARING:**

**1) UP-06-01:
ADAMS-
CHAMPIONS
ACADEMY**

A request for approval of a use permit to allow a Gymnastics Academy at an existing building at the end of Adams Ct at 18855 Adams Ct. The subject site is approximately 5.9 acres and is zoned Light Industrial (ML) with an underline designation of Industrial.

Commissioners Koepp-Baker, Benich, Lyle, and Mueller indicated visits to – or observation of – the site prior to the meeting.

PM Rowe gave the staff report noting the applicant has made a decision of selection of the building which is closer to the street and advising that should lessen the impact on future development in the complex. PM Rowe explained:

- findings are required for the use permit
- the large area for the gymnastics program
- parking spaces which are allocated being in excess of the actual need
- general welfare limits on other light industrial uses

PM Rowe called attention to page 2 of the staff report wherein staff responded to comments received from Chair Lyle: At the north end of the property there is deep retention pond; staff had revised Other Conditions to include new Condition E (page 21): Prior to building occupancy, safety fencing shall be installed between the parking lot and the on-site storm water detention basin. Fence to be a minimum of 6-feet in height with black vinyl coating to match the existing perimeter fence.

Turning to the Statement of Operations, PM Rowe recommended the age limit where children are required to be escorted into the building be increased 10 years of age or younger to 15 years of age or younger. PM Rowe noted the change on page 21, Other Conditions, Condition B will mirror that of other youth oriented CUPs. PM Rowe also indicated in the Statement of Operations that carpooling would be possible which staff had found acceptable with the traffic count and area streets.

Responding to questions from Commissioner Benich regarding the Standard Conditions, PM Rowe agreed that while is fully constructed the standard conditions would apply because of the tenant improvements that would need to be completed.

Chair Lyle clarified that it was uncertain as to when the road (Butterfield) would be continued north from Cochrane Road to completion.

Chair Lyle opened the public hearing.

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As no member of the audience indicated a wish to speak to the matter, the public hearing was closed.

Commissioners inquired if the applicant were present [yes]; Chair Lyle was requested to reopen the public hearing.

The public hearing was reopened.

Applicant Jenny Liu, 18855 Adams Ct., told the Commissioners she would answer questions.

Commissioner Koepp-Baker advised she had visited the site twice as she had first gone there at night and was not comfortable driving in the area of the buildings at that time. Commissioner Koepp-Baker asked about number of students and whether the program is educational gymnastics or competitive gymnastics? Ms. Liu explained the program is designed mostly for training and that she has plans for expansion to include camps, etc for local competitions.

Commissioner Mueller asked if the athletes are working toward 'just training' or are being trained to be competitive gymnasts? Ms. Liu said the students will be competitive but not professional. Commissioner Koepp-Baker determined from Ms. Liu that the students will not participate competitively 'on the site'.

Chair Lyle stressed to the applicant that if the owners decided to have on-site competition, adjustments to the CUP would be required and therefore the applicant must come back for changes required.

With no others present to address the matter, the public hearing was closed.

COMMISSIONER BENICH OFFERED THE MOTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A GYMNASTIC ACADEMY LOCATED AT 18855 ADAMS COURT IN THE LIGHT INDUSTRIAL ZONING DISTRICT. COMMISSIONER MUELLER, NOTING THE FINDINGS AND CONDITIONS CONTAINED THEREIN, SECONDED THE MOTION AND ASKED THE MAKER OF THE MOTION FOR INCLUSION OF A SECTION TO THE RESOLUTION WHICH WOULD HAVE THE CUP REVIEWED AT AN OCCUPANCY LEVEL OF A CERTAIN NUMBER OF STUDENTS.

The need for discussion was determined and resulted in concern concerns voiced regarding:

- access - dead end of long parking lot; necessary to go down and turn around at end of parking structure
- lack of traffic loop on-site - need to monitor to make sure parking and traffic flow really works when business grows (Commissioners felt there could be potential for problems); PM Rowe clarified there is a 'two way loop' existing now
- 'turn around' and 'drop off' issues are present and likely to continue
- location adjacent to future Butterfield Blvd.
- need for 'trigger for improvements once occupancy reaches certain level
- there is wide street and drive

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- no turn around adequate for from emergency response

Commissioner Mueller again suggested a occupancy level of a certain level of students/ participants which would ‘trigger’ a review of the CUP. Commissioner Mueller suggested the review be done at perhaps six months – after it had been noted that all CUPs are reviewed annually.

Commissioner Benich had made the motion and said he would agree for review only at the time of expansion.

Other issues raised included:

- the applicant is renting one of 4 buildings on the site
- circulation is the responsibility of the property
- a use permit goes with the property
- concern to have similar conditions to other gym/dance studios (the recently considered dance studio was cited)
- issue of current number of students and potential for maximum number

Responding to a request, Chair Lyle reopened the public hearing.

Regarding the number of students, Ms. Liu explained that when she had talked of 100 students it did not mean that all would be there at once. “Perhaps we will have maybe 30 at once and even when the business grows, the number of 100 – 125 students is not applicable during regular business hours as the students will be present primarily in the late afternoon.

Chair Lyle pointed out that a conflict might be with the business’ own patrons.

Ms. Liu said she was not concern with ‘come in - go out’ as there was a wide space at the door where parents can park there as well as on the other side of the street.

Ms. Liu assured that there would not be more than 50 students present at once as she planned three distinct drop-off times.

With no others to address the matter, the public hearing was closed.

Commissioner Benich said he would agree with the proposal put forth by Commissioner Mueller for review with staff picking a number of students to trigger the review.

Commissioner Mueller suggested the number should be at an ‘upper population’.

Commissioner Benich said the pick up times should be factor in.

Chair Lyle questioned the need for a condition because annual review of the use permit is already a requirement. He suggested a review when Butterfield is put through and the issue of better access for fire could be addressed.

THE QUESTION WAS CALLED; THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

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**2) DAA-04-06:
COCHRANE-
BORELLO**

A request to amend the development agreement for a 15-unit single family residential project located south of Cochrane Rd near the intersection of Saint Marks Ave. The applicant is requesting a 6-month extension on the phasing schedule for FY 2005-2006 and FY 2006-2007 to change in the process and timing of obtaining building permits and commencing construction.

PM Rowe presented the staff report and called attention to a revised Section 2 that contains findings for the Resolution, as he told the Commissioners that with that Section included, staff was now recommending approval of the request.

Chair Lyle opened the public hearing.

With no persons present to address the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED A MOTION RECOMMENDING APPROVAL TO AMEND THE DEVELOPMENT AGREEMENT APPLICATION DAA-04-06: COCHRANE-BORELLO TO ALLOW FOR A 6-MONTH EXTENSION TO OBTAIN BUILDING PERMITS AND COMMENCE CONSTRUCTION FOR 8 BUILDING ALLOCATIONS GRANTED FOR FY 2005-2006 FOR MP-03-04: COCHRANE-BORELLO, WITH THE MODIFICATION PRESENTED BY STAFF IN SECTION 2. COMMISSIONER ACEVEDO, ACKNOWLEDGING THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, SECONDED THE MOTION, WHICH CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

CDD Molloy Previsich suggested moving agenda item 7 to this point as it would most likely require less discussion than the other items. By consensus, the Commissioners agreed to do so.

Commissioner Escobar was excused at 7:30 p.m. due to a potential conflict of interest with agenda item 7.

**7) GPA-05-01:
CITY OF M.H.-
AMEND
CIRCULATION
ELEMENT/
MADRONE
PARKWAY
AT-GRADE
RAILROAD
CROSSING**

An amendment to the General Plan Circulation Plan to re-establish Tilton Ave. between Hale Ave. and Monterey Rd. as a designated 2-lane collector street with an at-grade crossing and connection to Monterey Rd. The proposed amendment includes keeping Madrone Parkway as a future 2-lane collector street extension from Monterey Rd. to Hale Ave./future Santa Teresa Blvd.

PM Rowe gave the staff report, providing the details of the request including the background of the incidents with the California Public Utilities Commission's (PUC) and the Union Pacific Railroad's objections to the Madrone Parkway at-grade crossing. PM Rowe also provided updated information regarding the right-of-way at the site and the potential for re-establishing Tilton Avenue between Hale Avenue and Monterey Road as a designated 2-lane collector street with maintaining the at-grade crossing and connection to Monterey road being put into place. PM Rowe explained that no evaluation is required to keep the Madrone Parkway railroad crossing as it is currently in the General Plan. PM Rowe said that the Union Pacific railroad had not given the terms to be considered yet for establishment of the Madrone Parkway crossing. Staff is

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recommending not taking the Madrone Parkway extension out of the circulation element to preserve this as a future option. PM Rowe advised the City Council previously had said, "If the extension is removed from the circulation element, then removal of the closure of Tilton must be addressed, which would require amendment to the circulation element." The circulation plan currently shows Tilton ending on the west side of the railroad tracks.

It was noted that members of the City Council's Regional Planning and Transportation Sub-committee voted last fall to keep the extension of Madrone Parkway in the circulation element with a vote of 2 – 0.

Chair Lyle reminded that a negative declaration had been prepared.

Commissioner Mueller clarified that 'item 2' at the top the Proposed Circulation Plan Amendments which had been distributed to the Commissioners and the public was not part of the plan under discussion.

Chair Lyle opened the public hearing.

As none were present to address the matter, the public hearing was closed.

COMMISSIONERS MUELLER/ DAVENPORT MOTIONED TO ACCEPT THE NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT) AS PRESENTED. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE APPROVAL OF ALL COMMISSIONERS PRESENT; ESCOBAR WAS ABSENT.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING RETENTION OF THE MADRONE PARKWAY EXTENSION BETWEEN MONTEREY ROAD AND THE SANTA TERESA CORRIDOR AND RECOMMENDING AMENDMENT TO THE CIRCULATION ELEMENT OF THE GENERAL PLAN AND MAP 4, THE CIRCULATION PLAN, TO RE-ESTABLISH TILTON AVENUE BETWEEN HALE AVENUE AND MONTEREY ROAD AS A DESIGNATED 2-LANE COLLECTOR STREET. COMMISSIONER DAVENPORT SECONDED THE MOTION, WITH THE INCLUSION OF THE FINDINGS AND CONDITIONS OF THE RESOLUTION. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, KOEPP-BAKER, DAVENPORT, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR.

**3) GPA-05-05:
CITY OF M.H.,
ULL/GREENBELT
STUDY IMPL-
EMENTATION**

Commissioner Escobar returned to participation with the Commission at 7: 37 p.m.

Chair Lyle announced that agenda items 3 – 4 – 5 – 6 would be given concurrently as a staff report.

An amendment to the Morgan Hill General Plan Land Use Diagram to accomplish the following:

1. Establish an Urban Limit Line (ULL) around most of the City,
2. Expand the Urban Growth Boundary and designate Single Family Low approximately 20 acres of land located on the west side of Sunset Ave., opposite Denali Dr., Yellowstone Dr., Whitney Way and Bryce Dr. (APNs 767-19-028 & a portion of 020 &

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024 and 767-15-026),

3. Expand the Urban Growth Boundary and designate Residential Estate approximately 23 acres of land located on the west side of DeWitt Ave. opposite Spring Ave. (APNs 773-09-001,002, 005, 006, a portion of 010, 011, 018, 027 & 028),

4. Contract the Urban Growth Boundary to exclude approximately 92 acres of land on the northeast side of Malaguerra Ave. (APNs 728-34-019, 020 & 021, 728-35-001, 002 & 039),

5. Contract the Urban Growth Boundary to exclude approximately 38 acres of land on northern slopes of El Toro, north of John Telfer Dr. and south of Llagas Rd. (APNs 764-31-001 (a portion of), 764-38-006, 008 & 009, a portion of 773-32-004 & 008),

6. Contract the Urban Growth Boundary to exclude approximately 28 acres of land on west side of Casino Real (APN 773-30-005), and

7. Contract the Urban Growth Boundary to exclude approximately 10 acres of land on east side of Water Ave. (APN 779-06-023).

In addition, the Goals, Policies and Actions of the Community Development Element and the Open Space and Conservation Element of the General Plan are proposed to be amended to identify Greenbelt areas and to provide guidance regarding the intent and implementation of the ULL and Greenbelt areas.

4) AMENDMENT TO DESIRABLE INFILL POLICY

Proposed amendments to the City Council policy regarding expansion of the Urban Service Boundary for Desirable Infill.

5) USA-05-02/ ZA-06-01/ ANX-06-01: EDMUNDSON- OAK MEADOW PLAZA

Proposed amendments to the plans of the City of Morgan Hill regarding a 34-acre area involving 4 parcels located on the west side of Sunset Ave. opposite Denali Dr., Yellowstone Dr., Whitney Way and Bryce Dr. Proposed are the following actions: pre-zoning 14 acres of the area Open Space and 20 acres of the area R-1 12,000, including the 20-acre area to be pre-zoned R-1 12,000 into the City's Urban Service Area, and annexing the 34-acre area into the city limits.

6) GPA-05-06/ USA-05-01/ ZA-05-27/ ANX-05-18: SANTA TERESA- BLACKROCK

Proposed amendments to the plans of the City of Morgan Hill regarding an 18-acre parcel located at the southwest corner of the intersection of Santa Teresa Blvd. and Watsonville Rd. Proposed are the following actions: amendment to the Morgan Hill General Plan Land Use Diagram, changing the land use designation of the parcel from County Rural to Residential Estate and including it within the Urban Growth Boundary, pre-zoning the parcel RE 40,000 (RPD), including the parcel within the City's Urban Service Area, and annexing the parcel into the city limits.

CP Bischoff presented the staff report summarizing the proposed actions and responses to comments made by the public at the last meeting.

It was noted that correspondence had been received from:

- staff of Committee for Green Foothills
- Santa Clara County LAFCO (stating need for expansion for policies in addition to a request to provide additional and on-going information)
- Greenbelt Alliance representatives

Commissioner Acevedo questioned the acre-for-acre mitigation for the loss of ag land referenced by the Alliance and Green Foothills groups, specifically he asked where the mitigation land needed to be provided. CP Bischoff responded that the goal was to

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preserve the acreage for the City of Morgan Hill.

Commissioner Benich called attention to the non-binding MOU and asking the expectations of both the owner and the City regarding the Open Space easements. CP Bischoff explained there is a possibility that should the Open Space easements not be recorded, then the City could remove the property from the Urban Service Area (USA).

Commissioner Benich continued, "If the City takes it in, I cannot think it could be taken out."

Chair Lyle reminded that LAFCO could turn the request down.

Commissioner Mueller asked SCE Creer about what appears to be an open drainage ditch off Sunset, asking where the water would coming from? SCE Creer said he would need to look at the plans, but said it probably came from the Open Space area. Commissioner Mueller continued by saying it appears the water comes from an existing culvert from out of the hill and meanders down west of Sunset. SCE Creer advised he will need to look into the matter.

Process for dealing with the items was discussed.

Chair Lyle opened the public hearing for item 4: Infill policy.

With no one present to address the matter, the public hearing was closed.

Commissioners discussed the infill policy:

- item 1 b) allowable uses in Open Space or Greenbelt areas
- easements: (change throughout) if portions owned or operated by the city or public entity (pages 1 and 4) add: requirement for recordation; otherwise no protection

Chair Lyle said if the easement was owned by a public entity or was recorded as Open Space such items as school fields or park uses would not be precluded. While the City Attorney said the proposed language was adequate, Chair Lyle wanted to 'nail it down'.

Commissioner Benich responded to recommending that flexibility not be restricted regarding future use of Open Space.

Commissioner Mueller said LAFCO rules require a property being considered for inclusion in the USA not be split. Chair Lyle clarified that there are some areas where properties are in the City limits, but only portions in the USA .

Commissioners were polled on items within the discussion following which direction was given to staff for composition of the Resolution which will be returned to the Commissioners on April 12. CDD Molloy Previsich stressed the need for consistency.

Concluding agenda item 4, wherein the word *parcel* had been used interchangeably with *land*, Commissioners wrestled with the wording with the ultimate decision to use the word *land(s)* as more flexibility would be available.

COMMISSIONER MUELLER OFFERED A MOTION RECOMMENDING

AMENDMENTS TO THE CITY COUNCIL POLICY ESTABLISHING STANDARDS FOR DESIRABLE INFILL, WITH THE MODIFICATIONS THAT WOULD REQUIRE OPEN SPACE EASEMENTS TO BE RECORDED TO THE BENEFIT OF THE CITY AND REPLACING THE WORD "PARCEL" WITH "LANDS" IN PHYSICAL CRITERIA #5. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

Agenda item 3: CP Bischoff presented the staff report on this item: Urban Limit Line and Greenbelt study and reminded of the previous discussion on the matter. He advised that much correspondence had been received on the item.

Chair Lyle opened the public hearing.

Brad Mortensen, 470 Conte Cabanil, addressed the Commissioners, telling them he is the Pastor of West Hills Community Church and that the membership of the Church supports the proposed amendments, as they pertain to the Church.

Jeff Pederson, 403 Cascades Court, spoke with the Commissioners regarding:

- comments submitted and addressed
- requested a copy of the memo from the City Attorney
- letter from LAFCO; Mr. Pederson said he found it 'highly unfortunate' that the City did not consult with LAFCO during the Initial Study [he continued to claim the negative declaration to be deficient and that an EIR is warranted (telling the Commissioners why that was so)
- related that 3/4 of what makes up the ULL is A LAFCO issue
- splitting of parcels: concerns of map next to Sunset
- comments by LAFCO led him to think the City should look back and come to the conclusion that the Negative Declaration is insufficient

Brian Schmidt, representing the Committee for Green Foothills, referenced the letter he had submitted regarding the Black Rock area (agenda item 6) and said he apparently misread the Negative Declaration, consequently withdrawing comments made. Continuing, Mr. Schmidt said that he would concur with earlier comments that agriculture mitigation could only occur in local lands. He said that he believes that mitigation for the loss of ag land must be included in the environmental report. Mr. Schmidt continued by saying the LAFCO letter indicates confusion as to the ULL whereby it seems to be indicated that future growth limits the need for an EIR.

Barton Hechtman, 848 The Alameda, San Jose, spoke to the Commissioners as a representative of the owners of Oak Meadow Plaza reminding the Commission of the comments he made at the last meeting, as well as sending letters.

With no others present to address the matter, the public hearing was closed.

Responding to questions from the Commissioners regarding the need for full EIR, CDD Molloy Previsich said that she believes the draft mitigated negative declaration is appropriate. She also said staff would provide a response to the letter from LAFCO. Commissioner Davenport raised the issue, in reference to the LAFCO letter if the City might be moving too quickly? It was noticed that the matter had been under study for

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some years and the public hearings well noticed and publicized.

Chair Lyle asked staff to address the Spring Avenue and Dewitt St. properties as well as the Sunset Property and the Blackrock property. Commissioner Acevedo commented he had developed a philosophical problem with the concept of the ULL. CDD Molloy Previsich clarified the changes for the General Plan text from the task force document and advised how the City Council had been told in written staff reports of the objectives and direction intended for City policy.

CP Bischoff reminded that the ULL is a tool for 'greenbelting' as the City did not want to establish the greenbelt in an area where it might need to have development. CDD Molloy-Previsich explained that the text amendments included a definition of Sphere and how it related to City planning efforts.

Chair Lyle asked Commissioners to address Spring Avenue and nearby properties which are now in the ULL and whose owners have requested to be in the UGB.

Commissioner Escobar supported having the property owners request granted.

Commissioner Mueller said he was concerned about having some of the properties backed up against the large open space proposed by Oak Meadow Plaza. By consensus, the Commissioners agreed the Spring Avenue area properties should be included in the UGB.

Chair Lyle then turned attention to Dewitt Avenue which is not on City services, asking the pleasure of the Commissioners.

Commissioner Mueller gave the reason(s) the Task Force had made the recommendation: two of the parcels have not been included and like Spring Avenue, the subject property is across the street from Open Space recommendation.

Commissioner Koepp-Baker spoke on City service availability

Commissioner Acevedo said if the Church is included, these properties should also be included.

Commissioner Davenport supported staff recommendation, as did Commissioners Benich and Escobar, along with Chair Lyle.

Following considerable discussion, and with no motion being made, Chair Lyle directed staff to advise the City Council that the Commissioners had a split vote of 4-3 on agenda item 3.

Agenda item 5:

Determining that the staff report given previously was sufficient, Chair Lyle opened the public hearing.

Mr. Pederson asked: were the City's comments to LAFCO available for the public to see?

CP Bischoff clarified that the City Council will have the matter on the April 5 agenda, but would but would probably not take action until the April 19 meeting. Responses to all comments not previously addressed would be available at that time. Commissioner

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Acevedo explained that the Planning Commission makes recommendation to the City Council, but the City Council are the decision makers.

Mr. Pederson urged analysis of the potential impacts associated with construction of 60 accessory units at Oak Meadow Plaza.

Chair Lyle asked for clarification: 20 acres versus 19 acres; 10% slope versus 12.5% slope and further the provision of the MOU that no structures would be on the on the sliver between the 10 – 12.5%. Mr. Hechtman gave a brief overview of the conceptual development plan. Chair Lyle continued by asking, “Why an open space easement instead of deeding it to the City?” Mr. Hechtman described talks with staff regarding the matter, whereby public access for the existing residents of the subdivision objected to public access, as it would generate more traffic to reach those 14 acres. Mr. Hechtman said the owners were not strongly opposed if it would be of benefit to the subdivision.

Commissioner Mueller asked, “What would happen if the City held to all residential lots below the 10% slope?” Mr. Hechtman said the development would have to be reconfigured. Commissioner Mueller noted some of the back yards are about 12.5%.

With no others to speak to the matter, the public hearing was closed.

CP Bischoff advised that the difference between the 10 and 12.5% slope - in actual elevation – is less than five feet vertically and perhaps 20 feet horizontally, this being a conservative estimate. Commissioner Mueller clarified that back yards – not houses – could be up to 12.5% slope in keeping with City Ordinances.

Other issues discussed by Commissioners:

- fences largely screened
- land deeded versus open space easement (Commissioners were split 4–3 on the matter)
- reasonableness of a buffer area within the open space
- Potential for land swap
- 19 versus 20 acres
- all residential lots below 10%
- above 10% no fences

Commissioner Mueller commented Spring Manor bent the rules tremendously and said he thought some areas of this proposal might result in the same impact.

A ‘straw vote’ resulted in a 4–3 split of the Commissioners.

Agenda item 6: Santa Teresa/Blackrock

Chair Lyle opened the public hearing.

John Kilkenny, 15355 Sycamore Drive, told the Commissioners he was opposed to adding the property to the City limits and spoke on the area being a gateway to ‘vineyards, wineries, and beyond’. Mr. Kilkenny urged the Commissioners to ‘have vision’ for our City and save some of the outside areas of the City.

Rocke Garcia addressed the Commissioners, saying he lives on Sycamore, is the

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applicant and requested inclusion into the USA with residential estate pre-zoning as a positive recommendation to the City Council. Mr. Garcia referenced:

- the task force (with one exception) voted for the area to be brought into the ULL
- 15 homes for 18 acres is true infill (gave location of homes)
- fully developed across the creek
- 20 -25 year supply of residential estate property
- other estate residential zoning locations
- willingness to provide City with well site
- proposal to develop high end quality acre homes
- long time residents well aware of transitional area of gateways

Commissioner Koepp-Baker asked when the last plantings on the property were? Mr. Garcia responded prior to 1989.

With no further information to be received nor speakers to be heard, the public hearing was closed.

Commissioners then turned to voting on the agendaed items 3-4-5-6 as follows:

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT APPLICATION, GPA-05-05: CITY OF MORGAN HILL URBAN LIMIT LINE / GREENBELTS STUDY GENERAL PLAN AMENDMENTS, WITH THE FOLLOWING MODIFICATIONS:

- south side of Spring Ave. to included in UGB Dewitt not to be included
- reducing the portion of the Oak Meadow Plaza to be included within the UGB from 20 to 19 acres

COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH CARRIED BY THE FOLLOWING VOTE: AYES: KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: ACEVEDO, BENICH; ABSTAIN: NONE; ABSENT: NONE.

Commissioner Acevedo said he was not convinced about Oak Meadow Plaza and if it would be of benefit, adding, "I just have a problem with that." Commissioner Benich said he was concerned that the number of objections raised had not been addressed.

Agenda Item 5

COMMISSIONER MUELLER OFFERED A MOTION RECOMMENDING APPROVAL OF URBAN SERVICE AREA APPLICATION, USA 05-02 EDMUNDSON – OAK MEADOW PLAZA, WITH MODIFICATION TO THE MAP TO REDUCE THE ACREAGE TO BE INCLUDED WITHIN THE USA TO INCLUDE ONLY THOSE LANDS WITH SLOPES OF 10% OR LESS, AND THE ADDITION OF A NEW CONDITION REQUIRING THE 14 ACRES TO BE ANNEXED TO BE DEEDED TO THE CITY. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH CARRIED BY THE FOLLOWING VOTE: AYES: KOEPP-BAKER, BENICH, ESCOBAR, MUELLER; NOES: ACEVEDO. DAVENPORT, LYLE; ABSTAIN: NONE; ABSENT: NONE.

Commissioner Acevedo stated that he was not convinced at this time it is a good idea.

Commissioner Davenport said that he concurred with Commissioner Acevedo. Chair Lyle stated he felt the action premature.

COMMISSIONER MUELLER OFFERED A MOTION RECOMMENDING APPROVAL OF ZONING APPLICATION ZA-06-01, EDMUNDSON – OAK MEADOW PLAZA LLC, WITH MODIFICATION TO THE MAP REGARDING THE 10% LIMIT. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH CARRIED BY THE FOLLOWING VOTE: AYES: KOEPP-BAKER, BENICH, ESCOBAR, LYLE, MUELLER; NOES: ACEVEDO, DAVENPORT; ABSTAIN: NONE; ABSENT: NONE.

Chair Lyle commented, “The USA passed, so I agree with the zoning.”

Commissioner Acevedo cited consistency in his objection, with Commissioner Davenport saying the matter is ‘premature’.

COMMISSIONER MUELLER OFFERED A MOTION RECOMMENDING APPROVAL OF ANNEXATION APPLICATION, ANX 06-01 EDMUNDSON-OAK MEADOW PLAZA. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH CARRIED BY THE FOLLOWING VOTE: AYES: KOEPP-BAKER, BENICH, ESCOBAR, MUELLER; NOES: ACEVEDO, DAVENPORT, LYLE; ABSTAIN: NONE; ABSENT: NONE.

Commissioners Acevedo, Davenport and Lyle reiterated the same reasons previously listed for voting against the Annexation application.

Item 6 Santa Teresa Blackrock

The question of the ‘50% boundary issue’ raised, with CP Bischoff advising that in the staff report the properties legally meet the definition because of the boundaries on two sides but in other ways the requirement is not met as this property is on the extreme limit at the south of the City.

Considerable discussion followed:

- reasonable to put in ULL
- issue of UGB not taken up
- favorable to idea that Planning Commission keeps control of what happens with the property
- supply of vacant land currently in the USA
- development consistent with property around it
- density in keeping with parcels to west along Watsonville Road

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO DIRECT STAFF TO PREPARE A RESOLUTION TO BE PRESENTED FOR AFFIRMATION AT THE APRIL 11, 2006 MEETING WHICH WILL RECOMMEND APPROVAL OF THE GENERAL PLAN AMENDMENT, URBAN SERVICE AREA EXPANSION, PREZONING AND ANNEXATION OF THE PROPERTY. THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, ESCOBAR, MUELLER; NOES: DAVENPORT, LYLE; ABSTAIN: NONE; ABSENT: NONE.

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Commissioner Mueller said that the General Plan changes do not leave open the ability to make a change to the location of the UGB after the industrial study of the southeast quadrant is completed?

CDD Molloy Previsich advised the industrial land study is connected to the Greenbelt Study.

Agenda item 3 was revisited with **COMMISSIONER MUELLER REQUESTING FOR A VOTE FOR MODIFICATION OF THE RESOLUTION TO AMEND COMMUNITY DEVELOPMENT ACTION 3.4 TO ALLOW MODIFICATION OF THE UGB WITH PHASE II IMPLEMENTATION OF THE ULL STUDY. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL PRESENT; NONE WERE ABSENT.**

ANNOUNCEMENTS: None

ADJOURNMENT: With no further business to be considered, the meeting was adjourned at 10:51 p.m.

MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk